

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 101 of the Commission's	)	WT Docket No. 07-54
Rules to Modify Antenna Requirement for	)	RM-11043
the 10.7-11.7 GHz Band	)	
	)	

**COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

Mobile Satellite Ventures Subsidiary LLC ("MSV"), by its attorneys, submits the following comments in the above-captioned proceeding in which the Commission proposes to modify its rules to permit the installation of smaller antennas by Fixed Service ("FS") operators in the 10.7-11.7 GHz band (the "11 GHz band"), a band that is shared with the Fixed Satellite Service ("FSS").<sup>1/</sup> As discussed herein, MSV currently operates feeder link earth stations in the 11 GHz band and is in the process of deploying new feeder link earth stations for its next-generation system. MSV is concerned about the potential for interference as a result of the proposed rule changes. MSV does not oppose the new rule as long as the Commission adopts the proposed coordination requirement to protect incumbent users of the band.

**Background**

MSV. MSV was authorized by the Commission in 1989 to construct, launch, and operate a United States MSS system in the L band (1525-1559 MHz and 1626.6-1660.5 MHz), with feeder links in the 11/13 GHz bands (10.7-10.95 GHz/11.2-11.45 GHz and 12.75-13.25 GHz).<sup>2/</sup>

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<sup>1/</sup> See *Notice of Proposed Rulemaking*, FCC 07-38, WT Docket No. 07-54 (adopted March 22, 2007) ("NPRM"). The *NPRM* was published in the Federal Register on April 25, 2007; comments are due to be filed on or before May 25, 2007. 72 Federal Register, No. 79 at 20494.

<sup>2/</sup> *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992);

MSV's licensed satellite (called "AMSC-1") was launched in 1995, and MSV began offering service in 1996. Today, MSV offers a full range of mobile satellite services, including voice and data, using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite (MSAT-1) licensed to Mobile Satellite Ventures (Canada) Inc. ("MSV Canada"). As with AMSC-1, the Canadian-licensed MSAT-1 satellite uses frequencies in the 11/13 GHz bands for feeder link operations.

In May 2005, the Bureau licensed MSV to launch and operate a replacement L band MSS satellite at 101°W (called "MSV-1").<sup>3/</sup> In April 2005, Industry Canada authorized MSV Canada to launch and operate a next-generation L band MSS satellite at 107.3°W.<sup>4/</sup> As with the current-generation satellites, both of these satellites are authorized to use frequencies in the 11/13 GHz bands for feeder link operations. On January 11, 2006, MSV announced that it had entered into a contract with Boeing Satellite Systems, Inc. for the construction and delivery of these next generation, transparency class L band satellites to serve the Western Hemisphere.<sup>5/</sup> The satellites will be among the largest and most powerful commercial satellites ever built. The satellites are designed and will be built to use the same 11/13 GHz bands for feeder links as the existing satellites. The satellites will be used to provide advanced mobile broadband services to devices that are virtually identical to cell phone handsets in terms of aesthetics, cost, and functionality.

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*aff'd*, *Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also* *AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

<sup>3/</sup> *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) ("MSV-1 Order").

<sup>4/</sup> *See* Letter from Jan Skora, Director General, Radiocommunications and Broadcasting Regulatory Branch, Industry Canada, to Mr. Larry Boisvert, President, Mobile Satellite Ventures (Canada) Inc., File No. 6215-3-3 (April 5, 2005).

<sup>5/</sup> *See* "Mobile Satellite Ventures Engages Boeing to Develop Next Generation Satellites" (Jan. 11, 2006), *available at* [http://www.msvlp.com/pr/news\\_releases\\_view.cfm?id=80](http://www.msvlp.com/pr/news_releases_view.cfm?id=80).

MSV is ahead of the Commission's milestone schedule and is planning to launch these satellites beginning in 2009.

*NPRM.* In response to a petition for rulemaking filed in 2004 by FiberTower, Inc.,<sup>6</sup> the Commission is now considering whether to modify Part 101 of its Rules to permit the installation of 0.61 meter antennas by FS operators in the 11 GHz band.<sup>7</sup> In particular, the Commission asks whether the proposed amendment would facilitate efficient use of the 11 GHz band while protecting other users in the band from interference.<sup>8</sup> The Commission specifically notes the potential for interference to satellite earth station operators and asks whether the existing coordination requirements, industry practices, and interference criteria are sufficient to address instances of interference.<sup>9</sup>

### **Discussion**

MSV does not oppose the proposed rule change to permit the use of smaller antennas in the 11 GHz band if the Commission also adopts the proposed changes to Section 101.103 of the Commission's Rules requiring operators of smaller terrestrial microwave antennas to coordinate with existing FSS users of the band, such as MSV, as if the microwave operators were using a 1.22 meter antenna. Such a coordination requirement will minimize the potential for interference between existing FSS operators and FS operators. Further, limiting FS operators' ability to complain about interference from existing FSS operations and requiring FS operators to modify

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<sup>6</sup> FiberTower, Inc., Petition for Rulemaking (filed July 14, 2004), RM-11043.

<sup>7</sup> *NPRM* at 11.

<sup>8</sup> The Commission notes that the use of smaller, lower gain antennas will result in more radiofrequency energy being transmitted because the antennas will have to transmit with approximately 4.5 dB more power in order to overcome the reduced main beam gain. *Id.* at 12.

<sup>9</sup> *Id.* at 13. Part of the proposal includes an amendment to the coordination requirement in Section 101.103 of the Commission's Rules to protect other users of the 11 GHz band from experiencing greater interference from the use of a 0.61 meter antenna than would be experienced by the use of a 1.22 meter antenna.

operations in response to complaints of interference should minimize disputes between FS and FSS operators.

The Commission should adopt rules that ensure it can quickly respond to interference complaints from FSS operators that cannot be quickly resolved between the parties.<sup>10</sup> For example, 60-90 days should provide a sufficient amount of time for the Commission to resolve such complaints.<sup>11</sup> MSV today provides critical voice and data services to American consumers, including emergency responders. MSV has already invested significant amounts of capital in constructing its next-generation integrated satellite-terrestrial system, which will provide innovative broadband services to all Americans, no matter where they live. These operations should not be subject to the potential of interference from additional uses of the 11 GHz band.

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<sup>10</sup> Under the existing rules, no time frame is specified for resolution of interference complaints that cannot be resolved between the licensees. The Commission may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference. *See* Section 101.103(a) of the Commission's Rules.

<sup>11</sup> *See, e.g., Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, 17 FCC Rcd 19990 (Oct. 12, 2002) (Commission requires Media Bureau to resolve certain broadcast complaints within 90 days or interfering station must reduce its power levels); *Implementation of the Telecommunications Act of 1996; Amendment of Rules Governing Procedures to Be Followed When Formal Complaints are Filed Against Common Carriers*, 13 FCC Rcd 17018 (July 14, 1998) (common carrier complaints accepted onto the Commission's Accelerated Docket must be initially resolved within 60 days).

## Conclusion

MSV requests that the Commission act in accordance with the recommendations made herein.

Respectfully submitted,

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May 25, 2007